



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,846	09/28/2005	Sanjai Saxena	4544-051198	4062
28289 7590 01/14/2009 THE WEBB LAW FIRM, P.C. 700 KOPPERS BUILDING 436 SEVENTH AVENUE PITTSBURGH, PA 15219				
EXAMINER				
MARX, IRENE				
ART UNIT		PAPER NUMBER		
1651				
MAIL DATE		DELIVERY MODE		
01/14/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Note:

The proposed amendment raises new issues that would require further consideration and/or search with respect to the amendment to claim 14 to repalce "modified chemically defined growth medium" with "modified liquid medium containing a nutrient source, including new issues under 35 U.S.C § 112.

***Response to Arguments***

Applicant's arguments have been fully considered to the extent that they pertain to the claims now of record but they are not deemed to be persuasive.

While the proposed amendment might remove the new matter, it raises new issues at least under 35 U.S.C § 112, regarding the nature of the "modification" intended and therefore is not entered at this time.

Regarding the deposit, it is noted that the deposit is now under Budapest conditions. However, the rejection is maintained because a statement is lacking that **all restriction on the availability to the public of the material so deposited will be irrevocably removed upon the granting of a patent has not been provided.** See 37 CFR 1.801-1.809.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Irene Marx whose telephone number is (571) 272-0919. The examiner can normally be reached on M-F (6:30-3:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Wityshyn can be reached on 571-272-0926. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300 .

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Irene Marx/  
Primary Examiner  
Art Unit 1651